

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

DANNY JOE ZYBACH,

6:12-cv-02099-MA

Plaintiff,

ORDER

v.

COMMISSIONER SOCIAL SECURITY
ADMINISTRATION,

Defendant.

MARSH, Judge

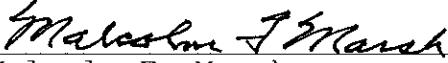
Based on the Court's independent review of the record, it is hereby ORDERED that attorney's fees in the amount of \$5,878.36 shall be awarded to Plaintiff pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. This amount represents a small deduction from the \$5,990.57 sought by Plaintiff and agreed to by Defendant. The Court deducts 0.6 hours billed on January 7, 2014, for filing Plaintiff's Motion for Extension of Time (#16) and reviewing the Court's subsequent Order (#18). The Court notes the extension of time was necessitated solely by Plaintiff's counsel's work on other matters. Accordingly, the Court finds fees for such work should not be awarded under EAJA.

The parties agree that attorney's fees will be paid to Plaintiff's attorney, dependent upon verification that Plaintiff has no debt that qualifies for offset against the awarded fees, pursuant to the Treasury Offset Program. See Astrue v. Ratliff, 560 U.S. 586 (2010). If Plaintiff has no such debt, the check shall be made out to Plaintiff's attorney and mailed to Plaintiff's attorney's office.

Accordingly, Plaintiff's Application for Fees Pursuant to EAJA (#23) is GRANTED IN PART and DENIED IN PART and Plaintiff is awarded attorney's fees in the amount of \$5,878.36.

IT IS SO ORDERED.

DATED this 28 day of October, 2014.



Malcolm F. Marsh
United States District Judge